

GENERAL INFORMATION

2003 RENEWAL NONPUBLIC, NONSECTARIAN AGENCY APPLICATION **CERTIFICATION SHOULD NOT BE CONSTRUED AS AN EVALUATION, ACCREDITATION, APPROVAL,** **RECOGNITION, OR ENDORSEMENT OF ANY NONPUBLIC AGENCY, OR COURSE.**

A nonpublic, nonsectarian agency that seeks certification as a nonpublic agency in order to contract for special education services shall file an initial application and pay certification fees to the California Department of Education (CDE). Nonpublic agency certifications expire on December 31. Based on Education Code Section 56366.1 (g), annual application updates will be accepted, along with recertification fees, between August 1 and October 31.

CERTIFICATION STANDARDS

No master contract for special education and related services provided by a nonpublic, nonsectarian agency shall be authorized under this part unless the agency has been certified as meeting those standards relating to the required special education and specified related services and facilities for individuals with exceptional needs. The certification shall result in the agency receiving approval to educate pupils under this part for a period no longer than four years from the date of the approval. The procedures, methods, and areas of certification, including information required for purposes of the application specified in subdivision (a) of Section 56366.1, shall be established by rules and regulations issued by the board that shall include, but not be limited to, procedures for conducting onsite reviews of the nonpublic, nonsectarian agency program and include provisions specific to the provision of special education and related services to individuals with exceptional needs from birth to preschool. In addition to those standards adopted by the board, the agency shall meet all applicable standards relating to fire, health, sanitation, and building safety. [California Education Code Section 56366]

CERTIFICATION FEES

The agency shall be charged a reasonable fee for renewal of certification. CDE may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for revenue limits of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the district revenue limit for inflation purposes. For purposes of this section, the base fee shall be the following:

* 1 - 5	pupils	-	\$ 159.00
6 - 10	pupils	-	\$ 265.00
11 - 24	pupils	-	\$ 530.00
25 - 75	pupils	-	\$ 795.00
Over 75	pupils	-	\$1,059.00

The agency shall pay certification fees when it applies for certification and when it updates its application for annual review by CDE. CDE shall use these fees to conduct onsite reviews, which may include field experts. No fee shall be refunded if the application is withdrawn or is denied by CDE. [California Education Code Section 56366.1 (j)]

Certification fees are required with the application in the form of either a personal or business check, money order, or cashier's check made payable to: CALIFORNIA DEPARTMENT OF EDUCATION.

Note: Please include the name of the agency on the check or money order.

* Represents total or projected enrollment, at any one time, of all students served by the nonpublic agency.

STAFF QUALIFICATIONS AND REQUIREMENTS

“Qualified” means that a person has met federal and state certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education or related services, or, in the absence of such requirements, the state-education-agency-approved or recognized requirements, and adheres to the standards of professional practice established in federal and state law or regulation, including the standards contained in the California Business and Professions Code. Nothing in this definition shall be construed as restricting the activities in services of a graduate needing direct hours leading to licensure, or of a student teacher or intern leading to a graduate degree at an accredited or approved college or university, as authorized by state laws or regulations. [California Code of Regulations, Title 5, Section 3001 (y)]

Notwithstanding any other provision of law, only those nonpublic, nonsectarian schools and agencies that provide special education and designated instruction and services utilizing staff who hold, or are receiving training under the supervision of staff who hold, a current valid California credential or license in the service rendered shall be eligible to receive certification.

Only those nonpublic, nonsectarian schools or agencies located in a state outside of California, that employ staff who hold a current valid credential or license to render special education and related services as required by that state's regulations, shall be eligible to be certified for the placement of California students. [California Education Code Section 56366.1 (k)(1)]

Nothing in this subdivision restricts student teachers, interns, or other staff who are enrolled in training programs that lead to a license or credential that authorize the holder to render services to special education students and who are under the direct supervision of a staff member who holds a current valid California credential, license, certificate of registration document. [California Education Code Section 56366.1 (l)(2)]

Restrictions on Staffing

A nonpublic, nonsectarian agency that employs only persons who hold a valid California credential authorizing substitute teaching pursuant to Section 56060 shall not be certified. At least one full-time person with a current valid California credential, license, or certificate of registration in the area of service to be rendered, or a current valid credential, license, or certificate of registration for appropriate special education and related services rendered that is required in another state, shall be required for purposes of certification under subdivision (d) of 56366. [California Education Code Section 56366.1 (k)(3)]

A nonpublic, nonsectarian agency that employs persons holding a valid emergency special education credential shall document efforts of recruiting appropriately credentialed, licensed, or registered personnel for the special education and related services rendered as a condition of renewing certification. [California Education Code Section 56366.1 (k)(4)]

“Credential” means any valid credential, life diploma, permit, or document in special education or pupil

personnel services issued by, or under the jurisdiction of, the State Board of Education prior to 1970 or the California Commission of Teacher Credentialing, which entitles the holder thereof to perform services for which certification qualifications are required. [California Code of Regulations, Title 5, Section 3001 (j)]

Staff Fingerprint Clearance Requirements

Pursuant to Education Code section 44237, all persons hired after September 30, 1997, who have contact with pupils, must have a completed Department of Justice (DOJ) criminal history clearance before they can be employed by the nonpublic agency. For the most current information on fee and fingerprint submissions, please see the DOJ website at www.caag.state.ca.us/app or call (916) 322-2209.

TB Clearance Requirements

Keep TB examination clearance forms at agency site. Do not submit unless requested. TB Clearances are valid for 4 years. Skin test must be the Mantoux 5TU Co.1 cc P.P.D injected intradermally; other skin tests are not acceptable. Only those with documented positive skin tests must submit certificates to prove absence of active tuberculosis (this may or may not include a chest x-ray). [Education Code 49406; Health & Safety Code Sections 121525-121555]

EACH SITE SHALL BE CERTIFIED

Pursuant to Education Code section 56366.1 (b), if a nonpublic agency operates a program at more than one site, each site shall be certified. If a nonpublic, nonsectarian agency operates a facility or program on more than one site, they shall not claim and are not entitled to receive reimbursement for attendance unless under a contract with a local education agency (i.e., school district, special education local plan area, or county office) pursuant to the provisions of Education Code Section 56366.1, and the site where the student is receiving special education or designated instruction and services is certified. [California Education Code Section 56366.1 (c)]

Note: This requirement does not apply to nonpublic agency services that are provided at school sites and in settings where the student(s) reside.

365 DAYS RULE

No contract for special education and related services provided by a nonpublic, nonsectarian agency shall be reimbursed by the state pursuant to Article 4 (commencing with Section 56836.20) of Chapter 7.2 and Section 56836.16 if the contract covers special education and related services, administration, or supervision by an individual who is or was an employee of a contracting district, special education local plan area, or county office within the last 365 days, unless the contract contains an addendum establishing that the individual was involuntarily terminated or laid off as part of necessary staff reductions from the district, special education local plan area, or county office. [California Education Code Section 56366.3 (a)]

Clarification: If an individual's previous position was not supported by special education funding (e.g., an adult education position), they could be employed by your nonpublic, nonsectarian agency.

This section does not apply to any person who is able to provide designated instruction and services during the extended school year because he or she is otherwise employed for up to 10 months of the school year by the district, special education local plan area, or county office. [California Education Code Section 56366.3 (b)]

CAUSES FOR SUSPENSION OR REVOCATION OF CERTIFICATION

The Superintendent may suspend or revoke any certification for any of the following reasons:

1. Violation of any applicable state or federal rule or regulation, or aiding, abetting, or permitting the violation of any applicable state or federal rule or regulation.
2. Falsification or intentional misrepresentation of any element of the application, pupil records or program presented for certification purposes.
3. Conduct in the operation or maintenance of the nonpublic agency that is harmful to the health, welfare or safety of an individual with exceptional needs.
4. Failure to comply with any provision in the contract with the local entity.
5. Failure to notify the Department in writing of any of the following within **45** days of the occurrence:
 - (A) Changes in credentialed, licensed, or registered staff who render special education and related services, ownership, management, or control of the nonpublic, nonsectarian agency.
 - (B) Major modification or relocation of facilities.
 - (C) Significant modification of the nonpublic, nonsectarian agency program.
6. Failure to implement recommendations and compliance requirements following an onsite review of the agency.
7. Failure to provide appropriate services, supplies, equipment, or facilities for a pupil as required in his or her individualized education program.
8. Failure to notify the Superintendent in writing within 10 days of the revocation or suspension of any license or permit including, but not limited to, any residential care license, business license, or other required license or permit.
9. Failure to implement a pupil's individualized education program.
10. Failure to notify the Superintendent in writing within 10 days of the death of a pupil or any other individual of unnatural causes within the agency, including the circumstances surrounding the death and any appropriate preventative measures being taken or recommended.

The Superintendent shall notify contracting local education agencies and the special education local plan area in which the nonpublic, nonsectarian agency is located of the determination to suspend or revoke state certification. [**California Education Code Section 56366.4**]

REQUEST REVIEW OF NOTICE OF DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION

- (A.) Within 20 working days following the nonpublic, nonsectarian school's or agency's receipt of the notice of denial, revocation, or suspension of certification, the nonpublic, nonsectarian agency may file a written petition to request a review of the decision by CDE. The petition may include written arguments or a request to present an oral argument.
- (B.) Within 30 working days after the receipt of the written petition, the Superintendent or a designee shall review a written, reasoned decision that shall be the final administrative decision. A designee of the Superintendent shall be impartial, unbiased, and shall not have participated in the Department decision to deny, revoke, or suspend the nonpublic, nonsectarian agency certification.
- (C.) Any public education agency that contracts with a certified nonpublic, nonsectarian agency may request the Superintendent to review the status of the nonpublic agency. The request shall be in writing and a copy sent to the nonpublic agency. [California Education Code Section 56366.6]

For more information, please contact the Office of Nonpublic Schools and Agencies at (916) 327-0141 to request a copy of the Appeal Process, Program Advisory 93-02 (Revised).

GUIDELINES FOR MOVE

Notification must be provided in writing of a program move. A new fire clearance, health clearance, building safety inspection, zoning clearance, business license, written disaster and mass casualty plan of action must be submitted. Contact the Office of Nonpublic Schools and Agencies at (916) 327-0141 to request forms, or visit the Special Education Division website at <http://www.cde.ca.gov/spbranch/sed/>.

MAILING INSTRUCTIONS

Send completed application update forms and the application fee to one of the addresses below. **Application updates must be postmarked by Thursday, October 31, 2002.** A personal or business check, money order, or cashier's check for the certification fee (made payable to the California Department of Education) must be included with your application update. Please retain a copy of your application update for your files. Incomplete application updates will be returned and certification fees will be subject to forfeiture. Mail application update package to the appropriate address below:

Mailing address for USPS regular mail and overnight Express Mail:

California Department of Education
Special Education Division
Office of Nonpublic Schools and Agencies
P.O. Box 1738
Sacramento, CA 95812-1738

Physical address for UPS, FedEx, etc., and overnight mail/packages

California Department of Education
Special Education Division
Office of Nonpublic Schools and Agencies
428 J Street, Suite 500
Sacramento, CA 95814

NOTE: To assist the Office of Nonpublic Schools and Agencies in processing and logging your application update, date each page, do not submit your application update in a binder, bound or in page cover sheets. It is helpful when the application update is either only stapled or paper clipped and the check is paper clipped to the application. This general information should be maintained by the nonpublic agency.